

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL E. MEGGINSON,

Plaintiff,

-against-

CHIEF OF STUKES, et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/15/2023

1:21-cv-9599 (MKV)

ORDER OF DISMISSAL

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff Michael E. Megginson, proceeding *pro se*, initiated this action by filing a complaint on November 18, 2021. [ECF No. 1.] On September 29, 2022, Defendants moved to dismiss the complaint. [ECF No. 30.] On November 1, 2022, the Court, having not receiving Plaintiff's opposition to the Defendants' motion to dismiss, ordered Plaintiff to "file his opposition to the motion to dismiss or file a letter indicating that no opposition will be filed by December 1, 2022." [ECF No. 34.] The Court warned Plaintiff "that failure to comply with this order may result in the case being dismissed for failure to prosecute." [ECF No. 34 (citing Fed. R. Civ. P. 41(b)).] No letter or opposition was filed.

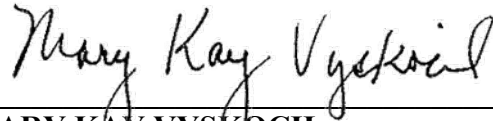
Then, on January 23, 2023, the Court issued an Order to Show Cause, ordering Plaintiff to file a letter explaining why this case should not be dismissed for failure to prosecute on or before February 10, 2023. The Order again warned Plaintiff "that failure to comply with this Order may result in dismissal of the action." [ECF No. 35.]

To date, no response has been filed and Plaintiff has not prosecuted this case. Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued for failure to prosecute without costs to any party. *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)).

The Clerk of the Court is respectfully requested to mail a copy of this order to the *pro se* Plaintiff at the address of record.

SO ORDERED.

**Date: February 15, 2023
New York, NY**



MARY KAY VYSKOCIL
United States District Judge